

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND)	
COMPOUNDING PHARMACY, INC.)	
PRODUCTS LIABILITY LITIGATION)	
)	MDL No. 1:13-md-2419
)	
This Document Relates to:)	Judge Rya Zobel
)	
All Actions Involving Specialty Surgery)	
Center and Dr. Kenneth Lister.)	
)	

PLAINTIFFS' STEERING COMMITTEE'S MOTION TO COMPEL SSC AND DR. KENNETH LISTER TO PROVIDE DOCUMENTS AND TESTIMONY

The Plaintiffs' Steering Committee ("PSC") hereby moves the court to enter an order that compels SSC and Dr. Lister to: (1) permit the PSC to re-depose Atkinson and Lister; (2) conduct a complete search for both hard copy and ESI records in response to the PSC's Second Set of Requests for Production ("2nd RFPs"), without date restrictions, arbitrary custodian limitations, or other unjustified restrictions; (3) to justify redactions; and (4) produce the litigation hold letter.

A Memorandum of support setting forth the reasons and proposed order, along with the supporting Declaration of Benjamin A. Gastel and attachments, are filed contemporaneously herewith.

This movant has conferred or attempted to confer with counsel for SSC and Dr. Lister in a good-faith effort to obtain, without court intervention, the testimony and records sought to be compelled by this motion.

Date: December 11, 2015

Respectfully submitted:

/s/ Benjamin A. Gastel

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Plaintiffs' Steering Committee

CERTIFICATE OF SERVICE

I, Benjamin A. Gastel, hereby certify that I caused a copy of the foregoing *Plaintiffs' Steering Committee's Motion to Compel SSC and Dr. Kenneth Lister to provide Documents and Testimony* to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Date: December 11, 2015

/s/ Benjamin A. Gastel

Benjamin A. Gastel